

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ROCKET MORTGAGE, LLC,

Plaintiff,

Case No. 23-cv-10583

Hon. Matthew F. Leitman

v.

CITO MECHANICAL  
DESIGN, INC., *et al.*,

Defendants.

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**ORDER (1) ADOPTING RECOMMENDED DISPOSITION OF REPORT  
AND RECOMMENDATION (ECF No. 27) AND (2) GRANTING IN PART  
AND DENYING WITHOUT PREJUDICE IN PART PLAINTIFF’S  
MOTION TO DISMISS DEFENDANT’S COUNTERCLAIM (ECF No. 13)**

On March 13, 2023, Defendant Claudia Paola Blackwood filed a counterclaim in this action against Plaintiff Rocket Mortgage, LLC. (*See* Counterclaim, ECF No. 9.) Rocket Mortgage then moved to dismiss the counterclaim. (*See* Mot., ECF No. 13.)

On October 6, 2023, the assigned Magistrate Judge issued a report and recommendation in which he recommended that the Court grant the motion in part and deny the motion in part (the “R&R”). (*See* R&R, ECF No. 27.) More specifically, the Magistrate Judge recommended that the Court:

- Grant the motion to the extent that Rocket Mortgage sought dismissal of Blackwood’s breach-of-contract claim and her claims under the Truth in

Lending Act (“TILA”), 15 U.S.C. § 1601, *et seq.*, the Real Estate Settlement Procedures Act (“RESPA”), 12 U.S.C. § 2601, *et seq.*, and the TILA/RESPA Integrated Disclosure Rule, 12 C.F.R. § 1026.19(f)(2)(i); and

- Deny the motion without prejudice with respect to Blackwood’s fraud claim.

At the conclusion of the R&R, the Magistrate Judge informed the parties that if they wanted to seek review of his recommendation, they needed to file specific objections with the Court within fourteen days. (*See id.*, PageID.241.)

No party has filed any objections to the R&R. Nor has any party contacted the Court seeking additional time to file objections. The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). Likewise, the failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec’y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed’n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, because no party filed any objections to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge’s recommended disposition of Rocket Mortgage’s motion to dismiss (ECF No. 13) is **ADOPTED**.

**IT IS FURTHER ORDERED** that Rocket Mortgage's motion is **GRANTED** to the extent that it seeks dismissal of Blackwood's breach-of-contract claim, her TILA claim, her RESPA claim, and her claim based on the TILA/RESPA Integrated Disclosure Rule. Those claims are **DISMISSED**. The motion is **DENIED WITHOUT PREJUDICE** with respect to Blackwood's fraud claim.

**IT IS SO ORDERED.**

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: November 7, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on November 7, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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